

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 8th day of March, 2001

Original Application No. 556 of 1997

CORAM :-

Hon'ble Mr. SKI Naqvi, J.M.

Hon'ble Maj Gen KK Srivastava, A.M.

Ashok Kumar Singh,

Son of Gopal Lal,

Resident of 5, Mori, Mhalla Dara Ganj,

Allahabad.

(Sri SC Srivastava, Advocate)

. . . . . Applicant

Versus

1. Union of India through Secretary,  
Ministry of Defence, Govt. of India,  
New Delhi.
2. Director General, Ordinance Services,  
New Delhi.
3. Commandant COD Chheoki, Naini,  
Allahabad.
4. Personnel Officer, C.O.D. Chheoki,  
Naini, Allahabad.

(Sri Satish Chaturvedi, Advocate)

. . . . . Respondents

ORDER (O\_r\_a\_l)

By Hon'ble Mr. SKI Naqvi, J.M.

Shri Ashok Kumar Singh has come up seeking the relief to the following effect :-

- (i) issue order and direction to respondent no.3 to hold the interview /selection pending in postponement after the cancellation of the selection held on 17-2-1997.

*Signature*

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- (ii) to hold the selection/interview as per laid down recruitment rules, strictly amongst the candidates sponsored by Employment Exchange,
- (iii) to issue order or direction to consider the candidature of the applicant for recruitment on the post of Mazdoor.

2. Briefly stated the facts of the case are that 26 vacancies of mazdoor fell vacant in COD Chheoki, Allahabad and notified through Employment Exchange in the month of September, 1996. The applicant was also one of the candidates for the same and had been ~~on~~ <sup>the</sup> strength for preference as he is the son of employee of the COD. The interview for the post was held on 17-2-1997 but the applicant could not qualify in the viva voce. He has a grievance that no preference was allowed to him for being son of Depot employee. The Depot employees, being aggrieved of the selection, made their representation resulting into cancellation, made in pursuance of the interview held on 17-2-1997, which was ~~adjudicated~~ <sup>challenged</sup> before the Tribunal in OA Nos. 382, 340, 348, 383, 439 and 519 of 1997. All these OAs were decided by a single order dated 9-12-1998 and the ~~OAs~~ <sup>same</sup> were allowed granting relief sought therein. Against this order of the Tribunal a writ petition no. 549 of 1999 was preferred before the Hon'ble High Court, which was decided on 11-4-2000 through <sup>which</sup> the order of the Tribunal dated 9-12-1998 and the cancellation of the selection was set aside with the direction that the petitioners shall be appointed ~~only~~ as and when vacancies accrue and unless there is no legal impediment.

3. We have heard learned counsel for both sides and perused the record.

4. We find that the matter has already been settled

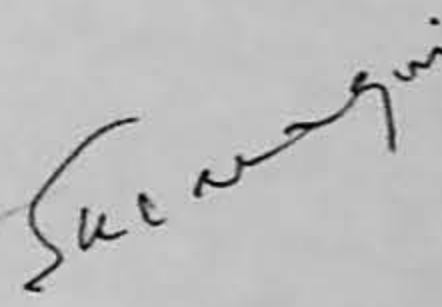
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in the above referred writ petition no.549 of 1999 which is fully applicable in the present matter also. In the circumstances the relief sought for by the applicant cannot be granted as he could not qualify in the interview held for selection on 17-2-1997. The OA is accordingly dismissed with no order as to costs.

5. The copies of the Tribunal's judgement and the order passed in the writ petition, as referred to above, and produced from the side of respondents be retained on record.



Member (A)



Member (J)

Dube/